

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1501 be amended to read as follows:

- 1 Page 6, between lines 31 and 32, begin a new paragraph and
- 2 insert:
- 3 "SECTION 10. IC 24-5-23 IS ADDED TO THE INDIANA
- 4 CODE AS A NEW CHAPTER TO READ AS FOLLOWS
- 5 [EFFECTIVE JULY 1, 2005]:
- 6 **Chapter 23. Gift Certificates**
- 7 **Sec. 1. As used in this chapter, "activity" includes the**
- 8 **following uses of a gift certificate:**
- 9 (1) Acquiring or purchasing goods or services with the gift
- 10 certificate.
- 11 (2) Checking the balance of the gift certificate.
- 12 (3) Adding value to the gift certificate.
- 13 (4) Redeeming the gift certificate for cash.
- 14 **Sec. 2. As used in this chapter, "gift certificate" means a**
- 15 **representation or other evidence of an obligation of a person**
- 16 **arising from a transaction that requires the person to provide**
- 17 **goods or services. The term includes the following:**
- 18 (1) A gift certificate.
- 19 (2) A stored value card.
- 20 (3) A gift card.
- 21 (4) An online gift account.
- 22 **Sec. 3. As used in this chapter, "person" means an individual,**
- 23 **a corporation, the state or its subdivisions or agencies, a business**
- 24 **trust, an estate, a trust, a partnership, an association, a cooperative,**
- 25 **or any other legal entity.**
- 26 **Sec. 4. (a) Except as provided in this section, this chapter**
- 27 **applies to gift certificates that are issued after October 31, 2005.**
- 28 **(b) This chapter does not apply to the following gift**
- 29 **certificates:**
- 30 (1) A gift certificate issued without consideration by a person
- 31 other than a financial institution (as defined in IC 22-2-4-1)
- 32 under an awards program, a loyalty program, or a

1 promotional program.

2 (2) A gift certificate issued for less than face value to:

3 (A) an employer;

4 (B) a charitable organization exempt from federal
5 taxation under Section 501 of the Internal Revenue
6 Code; or

7 (C) a nonprofit organization;

8 for fundraising purposes.

9 Sec. 5. (a) Except as provided in subsection (b) and sections 6
10 and 7 of this chapter, a gift certificate may not be subject to the
11 following:

12 (1) An expiration date.

13 (2) A fee, including a service fee, maintenance fee, dormancy
14 charge, or inactivity charge.

15 (b) A gift certificate may be subject to an initial fee at the time
16 the gift certificate is issued.

17 Sec. 6. A gift certificate may be subject to an expiration
18 date if the following requirements are satisfied:

19 (1) One (1) of the following is printed in at least 8 point type
20 on the gift certificate or on a sticker permanently affixed to
21 the gift certificate:

22 (A) The date or time period after which the gift
23 certificate expires.

24 (B) The exact date on which the gift certificate was
25 issued and the number of days following the date of
26 issuance after which the gift certificate expires.

27 (2) The expiration date is at least twelve (12) months after the
28 issuance of the gift certificate.

29 Sec. 7. A gift certificate may be subject to a fee if the following
30 requirements are satisfied:

31 (1) The fee does not begin to accrue until at least six (6)
32 months after the date on which the gift certificate was issued.

33 (2) A statement printed on the gift certificate or on a sticker
34 permanently affixed to the gift certificate in at least 8 point
35 type states:

36 (A) the type of fee and the dollar amount of the fee; and

37 (B) one (1) of the following:

38 (i) The date or time period after which the fee
39 begins to accrue.

40 (ii) The exact date on which the gift certificate was
41 issued and the number of days following the date of
42 issuance after which the fee begins to accrue.

43 Sec. 8. A provision in an agreement creating a gift certificate
44 that conflicts with this chapter is void."

45 Renumber all SECTIONS consecutively.

(Reference is to EHB 1501 as printed March 25, 2005.)

Senator ANTICH-CARR